

PUBLIC MEETING
June 3, 2010
MINUTES

Chairman Mike Murray called the meeting to order at 9 a.m. Commissioner Derek Brown and Commissioner Andy Hunthausen were present. Others attending all or a portion of the meeting included Eric Bryson, Kelly Blake, K. Paul Stahl, Tammy Potter, Audra Zacherl, Nancy Everson, Jeff Sealey, Mona Jamison, Dean Retz, Rebecca Shaw, Christal Ness, Katie Jerstad, Carole Byrnes, Jack Walsh, Dean Retz and Rita Cortright, Recording Secretary.

Pledge of Allegiance. Everyone recited the Pledge.

Consent Action Items. (Eric Bryson)

- a. Affidavit of Assets reported by the Treasurer/Clerk & Recorder as of June 30, 2009 in the Amount of \$55,761,024.56. (Paulette DeHart)
- b. Interlocal Agreement Between the City of Helena, Montana, and Lewis and Clark County, Montana – 2010 Byrne Justice Assistance Grant (JAG) Program Award.
- c. Resolution 2010-190 Ordering a Refund of Taxes/Fees/Assessments Paid by FM Properties LLC in the Amount of \$44.81. (Cheryl Green)
- d. Resolution 2010-191 Ordering a Refund of Taxes/Fees/Assessments Paid by Donald and Wilma Hurni in the Amount of \$395.83 (Cheryl Green)
- e. Resolution 2010-193 Ordering a Refund of Taxes/Fees/Assessments Paid by Stephen Lantz and Brian Weiss in the Amount of \$13.19. (Cheryl Green)
- f. Resolution 2010-194 Ordering a Refund of Taxes/Fees/Assessments Paid by Margaret Anderson in the Amount of \$1,052.34. (Cheryl Green)
- g. Resolution 2010-196 Ordering a Refund of Taxes/Fees/Assessments Paid by Ronald and Loretta Miller in the Amount of \$90.90. (Cheryl Green)
- h. Resolution 2010-197 Ordering a Refund of Taxes/Fees/Assessments Paid by Lifestyle Court LLC in the Amount of \$2,120.45. (Cheryl Green)
- i. Contract with CAP Paving to route, clean and crack seal on Highway 284 from the Broadwater / Lewis & Clark County line. Sum not to exceed \$30,000. (Audra Zacherl)
- j. Contract and Encroachment Agreement with Michael J. and Rachelle Spatz, Owners. The property is described as Lot 56 of the Guettler Minor Subdivision No. 2, aka Applegate Meadows, aka 7342 Layla Loop, Helena, Lewis and Clark County, Montana. The foundation and eaves from the constructed house, encroaching approximately 12 inches into the designated no build zone for a distance of 45 feet, and; the domestic well which encroaches approximately 10 feet into the designated no build zone. (Christal Ness)
- k. Contract and Encroachment Agreement with David W. Wood, Owner. The property is described as Tract B1 of the Ries Family Transfer, also known as 4735 Sue Road, Helena, Lewis and Clark County, Montana. The existing well encroaching approximately 4.5 feet into the public access, utility and irrigation easement. (Christal Ness)

Eric Bryson reported on the consent action items and recommended approval.

No public comments were received.

Commissioner Hunthausen moved approval of the consent action items and authorized the Chair to sign. Commissioner Brown seconded the motion. The motion carried 3-0.

First Reading of Proposed Ordinance No. 2010- 1 Providing for the Administration of the Resort Tax in the Craig Resort Area. Mona Jamison briefly reviewed a portion of the Resort Tax law in order for the election to occur, ballot requirements and the ordinance. The resort tax will be effective for 20 years beginning September 8, 2010 through November 10, 2010 and then from April 1 through November 15 of each year. The rate of the tax is 3 percent. The major aspect of the appropriation of the resort tax would go to the construction, maintenance and operation of a wastewater treatment system. Within 60 days of the election the Commission would appoint a Craig Resort Area Advisory Council.

No public comments were received.

Commissioner Hunthausen moved approval and adoption of the first reading of Ordinance No. 2010-1 and authorized the Chair to sign. Commissioner Brown seconded the motion. The motion carried 3-0.

Bid Opening. 2010 Road Striping Project. The County is seeking bids to apply yellow and white road striping to include double center line striping on approximately 45 miles of county road and shoulder line striping on approximately 30 miles of county road. Work must be completed within 40 days of the Bid Award.

Audra Zacherl reported on each bid.

Bid No. 1, Highway Specialties, Inc., Black Eagle, Montana. The bid has been signed. A bid bond has been included. Bid of \$17.97 per gallon of applied paint. The estimated cost of painting assuming 3,100 gallons of \$55,707. Mobilization cost is \$1,200. Total bid amount of \$56,907.

Bid No. 2, Arrow Striping & Manufacturing, Billings, Montana. The bid has been signed. A bid security has been included. Bid of \$16.31 per gallon of applied paint. Estimated cost of painting assuming 3,100 gallons is \$50,561. Mobilization cost is \$1,750. Total bid amount of \$52,311.

Bid No. 3, Construction Software Tech of Billings, Montana. This is a Sierra Park Project bid document. It does not appear to be for this bid opening.

Commissioner Hunthausen moved to have staff take the bids under advisement and recommend awarding them Tuesday, June 8. Commissioner Brown seconded the motion. The motion carried 3-0.

Bid Award for the Construction of East Helena Sidewalks CTEP Project STPE – SRTS 25(67) Cn 6706. (Rebecca Shaw) The project consists of installation of new sidewalk along the north side of Clinton St. in East Helena, MT, from Radley Elementary School to East Valley Middle School, and also along the east side of Lake Helena Drive in Lewis and Clark County, MT, for about 0.2 miles north and 0.2 miles south of Eastgate Elementary School. The project includes a Base Bid (Schedules 1, 2, and 5) and two additive alternates (Schedules 3 and 4). (Continued from 5/20/10)

Rebecca Shaw recommended that the commissioners award only the base bid to Hamlin Construction of Helena, Montana, for the base bid amount of \$196,583.92, and authorized the Chair to sign all applicable documents.

Commissioner Brown moved to approve the bid award and authorized the Chair to sign all appropriate documents. Commissioner Hunthausen seconded the motion. The motion carried 3-0.

Request for Extension of Preliminary Plat for Wheat Ridge Estates Phase III Major Subdivision to May 11, 2011. (Applicant: Aaron Helfert) (Planner Michael McHugh) (Cont'd. from 5/20/10) A major subdivision creating 80 lots for single-family dwellings.

Eric Bryson recommended that the commission consider the applicant's request on June 10th to allow legal staff to draft a Subdivision Extension Agreement.

Commissioner Hunthausen moved that the commission take action on June 10, 2010 as recommended by staff. Commissioner Brown seconded the motion. The motion carried 3-0.

Encroachment Permit Application – Commercial Sign. (Applicant: Ron Adams) (Planner: Kelly Blake) Decision. The applicant has requested an Encroachment Permit for a commercial sign at the intersection of (Little) Wolf Creek Road and Hwy. 434, northwest of Wolf Creek, Montana. The commercial sign is located within the County road easement of (Little) Wolf Creek Road and is approximately three miles northwest of Wolf Creek and Interstate 15.

Kelly Blake reported that the county followed the same standards pertaining to signage as the state and federal government (Manual on Uniform Traffic Control Devices). Therefore, staff recommended that the commission deny this application because it is a safety hazard and should be removed.

No public comment was received.

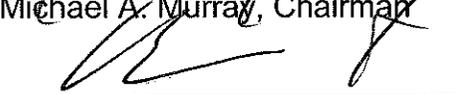
Commissioner Hunthausen moved to deny the encroachment permit application for a commercial sign. Commissioner Brown seconded the motion. The motion carried 3-0.

Public comments on any public matter within the jurisdiction of the Commission that is not on the agenda above. None.

There was no other business, the meeting adjourned at 9:42 a.m.

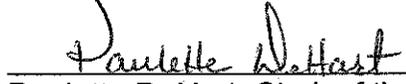
LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS


Michael A. Murray, Chairman


Derek Brown


Andy Hunthausen

ATTEST:


Paulette DeHart, Clerk of the Board